

NO ANTI-BRANDT PLOT, SAYS GRAND JURY

Hyde Obstructs Trial, Defies Justice Davis

WEATHER—Rain probable to-night and Friday.

FINAL
EDITION.

The



The World.

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EDITION.

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MAX FREEMAN, ACTOR, STAGES DRAMATIC SUICIDE BY HANGING FROM HOTEL

"Comic Opera King's" Body
Discovered at Fourth Story
of the Grenoble.

ILLNESS WAS THE CAUSE
Lost All His Money Backing a
New School to Teach
Acting.

Max Freeman, for twenty-five years an actor, manager and producer and one of the best known men in the profession, was found hanging by the neck on the end of a short rope outside the window of his room in the Hotel Grenoble, Seventh avenue and Fifty-sixth street, this morning. Death had come by slow strangulation, hastened, perhaps, by the effects of a prescription containing a large percentage of laudanum which Freeman had drunk before placing the noose over his head.

The veteran actor died this morning at the Hotel Grenoble, Seventh avenue and Fifty-sixth street, this morning. Death had come by slow strangulation, hastened, perhaps, by the effects of a prescription containing a large percentage of laudanum which Freeman had drunk before placing the noose over his head.

His friends on Broadway said to-day that Freeman had invested most of his money in a school of acting which had not paid him well, and that of late he had spoken very pessimistically of the decline of his fortunes.

Last night Freeman told the clerk at the hotel that he was going to a drug store to get a prescription. He returned to the hotel some time after 10 o'clock and went to his room. Nothing was heard from him after that hour.

Early this morning a janitor in the Grenoble House at No. 24 West Fifty-seventh street, which is directly back of the Hotel Grenoble, saw the body of a man hanging half way out of a window facing the court of the hotel. The janitor called up the Grenoble and notified Alfred Bergquest, a porter, who immediately went up to the fourth floor to locate the window indicated by the voice over the phone.

After trying several doors Bergquest found that the door of the actor's room opened without a key. The porter saw a short segment of rope stretching from the radiator near the window, up over the ledge. The head and shoulders of the actor showed at the end of the rope.

The porter tried without avail to pull the body into the room unassisted. Then he returned with Policeman Argenta, and together they managed to lift Freeman's body into the room. It was found that an ambulance surgeon to assure them that the veteran actor was dead.

(Continued on Last Page.)

DELICATESSEN MAN KILLS SELF AFTER LOSING \$150,000

Letter to Son-in-Law Leads to
Discovery of Albert
Peiser's Suicide.

Albert Peiser, sixty-eight years old, who for many years was president of the Delicatessen Association of this city and owned a chain of stores himself, committed suicide to-day in his flat at No. 110 East Ninetieth street. He was found dead in a bath tub with a gas tube tied in his mouth.

Magnus Peiser, a son of the dead man, declared his father had lost \$150,000 in a real estate deal several months ago and that worry over his losses drove him out of his mind.

The suicide was discovered by Albert Peiser, Jr., a son-in-law. Krasker got a letter this afternoon in which Peiser wrote he was tired of life and had decided to kill himself.

The young man jumped into a taxi-cab and rushed up to the flat. He broke in the door and then smashed the bathroom door, but his father-in-law had been dead several hours. Members of his family at the time were distributed in his delicatessen shops at No. 1087 Park avenue and No. 815 Park avenue.

He survived by a wife and three children.

**MADERO FEARS REBELS;
CRISIS IN MEXICO CITY**
With President and Cabinet in Semi-Panic, Foreigners Unite for Own Protection.

MEXICO CITY, March 28.—Leaders among the American, German, French and English citizens in Mexico City to-day distributed a code of signals among the foreigners, to be followed in case of danger in the now impending crisis of Mexican affairs.

The combined volunteer army of the foreigners numbers about 1,800 men. They have been drilling nightly and it is believed will be prepared to protect themselves in case of an attack on the capital.

(Continued on Last Page.)

"KING OF GRAFT," SAY SENATORS OF "BOSS" BARNES

Probe Committee Accuses Him
as "Chief Beneficiary of
Raids on City Treasury."

THEY WANT HIM SUED.
In Report Also Call for Re-
moval of Mayor and Heads
of Police Department.

ALBANY, March 28.—William Barnes Jr., chairman of the Republican State Committee, comes in for severe criticism at the hands of the Senate Committee which investigated the affairs of Albany City and County last fall, and which submitted its report to the Legislature to-day.

Mr. Barnes declined to answer some of the questions put to him while on the witness stand by the committee concerning his acquisition of stock in the J. B. Lyon Company, a local printing corporation, and refused to produce the books of the Journal company of which he is president. He thereupon was declared in contempt and the matter was carried to the Court of Appeals, which sustained the State chairman in his position.

In its reference to Mr. Barnes the report says in part: "CONSPICUOUS BENEFICIARY OF GRAFT."

"He (Barnes) testified before us that he had taken an active part in politics from early life, and that he had entered upon this career for the purpose of obtaining honest elections in Albany and elevating politics. We regret to say that the evidence before us showed that Mr. Barnes's efforts in these particulars had resulted in dismal failure. Elections are not honest in Albany and politics are not elevated."

"The most conspicuous beneficiary of graft, public extravagance and raiding of the municipal treasury, we find from the evidence to be Mr. William Barnes Jr. himself, as the owner of the majority of stock of the Journal company."

That the Journal company, of which Barnes, in addition to being president, is also chief stockholder, forced the State to illegally pay \$13,504 for State printing not performed is the declaration of the committee. The members recommend that suit be brought for the money, and also that the Mayor, James B. McEwan, Commissioner of Public Safety, Edward B. Cantine, and the Chief of Police be removed from office and criminally prosecuted. All the accused officials are members of the Barnes organization.

CONNECTS VICE WITH CITY ADMINISTRATION.
The report finds a close connection between "open vice and the city administration," and recommends a special term of the Supreme Court, with an outside Justice and a Grand Jury to prosecute the offenders named.

Senator Wainwright, the Republican member of the committee of which Senator Bayne was chairman, does not sign the report but joins his Democratic colleagues in all the recommendations, except that advising the removal of the Mayor. As to the Mayor he thinks that the subject requires the attention of the Governor.

As to conditions in the tenderloin, Senator Wainwright says that "every one responsible for permitting these conditions to exist must be severely condemned," but the facts recited, he holds, "do not sustain a finding or justify a suggestion that 'vice in the City of Albany' was supported and protected by the Republican organization of the City of Albany."

Senator Cantine, of the Department of Public Safety, he says, "should be summarily removed for neglect of duty."

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Mrs. Nicodemus as She Looked To-day in Court Fight for Life



MRS. NICODEMUS WORSHIPPED EVEN HUSBAND'S PIMPLE

Woman Slayer Declared It
Worth More Than All Her
Brothers-in-Law.

All in black, with a black lace shawl about her bare neck, Mrs. Genevieve Nicodemus sat like an antique portrait of a woman of sorrow to-day before Judge Rosalsky in General Sessions.

She is on trial for her life for killing her husband, Frank J. Nicodemus, clerk for a brewery brokerage concern. His wife is of the rare type called the "Black Scotch."

She is a beautiful woman, whose very figure and carriage spell tragedy. Dark in complexion, with very black hair, parted smoothly, so that it hides all but the tips of her ears, she has full, rounded cheeks and a tender, drooping mouth, while her eyes are as blue as the heather itself.

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SUBWAY BILL NOW GOES TO DIX FOR SIGNATURE

Measure Is Passed by Assem-
bly on Emergency Mes-
sage From Governor.

ALBANY, March 28.—Under an emergency message from Gov. Dix the Assembly to-day passed the Wagner bill providing for a dual rapid transit system in New York City, by a vote of 120 to 6.

The bill now goes to the Governor. The Senate has already passed it.

MAJOR O'RYAN APPOINTED NATIONAL GUARD CHIEF.

Named by Gov. Dix as State Com-
mander to Succeed Gen. Roe,
Who Retires May 1.

ALBANY, March 28.—Gov. Dix to-day appointed Major John F. O'Ryan of New York as Major-General commanding the National Guard of the State in place of Gen. Charles F. Roe, who is to retire on May 1 under a law passed last year.

Major O'Ryan is at the head of the Second Battalion, Field Artillery. He entered the guard in March, 1897. The nomination of Major O'Ryan was confirmed after Senator Brackett had called on the Republicans to oppose it, "as a protest against encroachments of Tammany Hall on the State Guard."

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HYDE DEFIES TRIAL BY JUSTICE DAVIS; FREE UNDER WRIT

Writes Whitman That He
Won't Let Case Go to Court
Next Monday.

SURRENDERS AT TOMBS.
Bail Cancelled, Habeas Corpus
in Brooklyn Gives Delay
and Parole.

In order to avoid being tried by Justice Davis, in the Criminal Branch of the Supreme Court, former City Chamberlain Charles H. Hyde surrendered himself into custody at the Tombs to-day for the purpose of making himself legally the subject of a writ of habeas corpus issued by Justice Woodward of the Supreme Court in Brooklyn. Hyde was not locked up and as soon as the necessary formalities were arranged he hurried to Brooklyn in the custody of a deputy sheriff to request himself in court before Justice Woodward.

Although Hyde assented to make his application to Justice Woodward for a writ of habeas corpus in New York City, it was learned to-day that he pretends to be willing to go to trial on the issue involved in the case before Justice Davis of the State Supreme Court. This attitude of Hyde was conveyed to the District-Attorney through a personal letter from the former City Chamberlain.

**HYDE "STIPULATES" THAT
DAVIS MAY NOT TRY HIM.**
The letter, which was written March 6, follows:

"Sir: I beg to notify you that I am willing to stipulate that the appeal to the Court of Appeals from the order of the Appellate Division affirming the order denying my motion to change the place of trial in this case be withdrawn, provided the case is not moved again before the January term presided over by Mr. Justice Davis."

That term would have ended naturally on Jan. 7, according to Rule 4 of the Trial Term rules. So far as actual business before it, it should have adjourned without day long before this, as Judge Davis has been actually holding court elsewhere ever since Feb. 5, under assignment by the Appellate Division, and is assigned to duty continuously in other parts of the court for the entire court year.

For reasons which I believe are perfectly good, I do not care to go to trial before Justice Davis. While I would a great deal rather see the case there, because I do not wish to in the slightest way reflect upon any Judge or the administration of justice of this county, I shall state them if you so desire.

A regular criminal term is now being held, and I shall, as before stated, withdraw the appeal and be ready to go to trial on two days' notice, provided the case is moved before the regular March term. For that matter, there are six trial judges in this State, before any one of whom this case might be tried, and the assignment of any one of them, with the exception of Justice Davis, will be agreeable to me.

Will you please advise me of your pleasure in the matter, as I do not want to go to the expense of arguing the appeal to the Court of Appeals, nor do I want further delay in disposing of the indictment against me.

Respectfully,
CHARLES H. HYDE.
**DETERMINED JUSTICE DAVIS
SHALL NOT TRY HIM.**
To-day's move on the part of Hyde and his lawyers means more delay in the event the District-Attorney does not take up Hyde's offer to go to trial before another Justice than Justice Davis.

(Continued on Second Page.)

BOTH SCHIFF AND GANS FULLY EXONERATED BY VOTE OF GRAND JURORS

Members of That Body Unanimously
Declare There Was No Conspir-
cy to Railroad Brandt, the
Former Servant to Prison.

JUDGE CRAIN THROWS OUT THEIR FIRST REPORT

In It They Had Declared Brandt
Was a Thief, but Not a Burglar—
Sent Back to Write New One.

The February Grand Jury which investigated the charge that Foulke Brandt, the Schiff burglar, was sent to prison for thirty years as the result of a conspiracy, made two presentations to Judge Crain in the Court of General Sessions this afternoon. The first, which simply declared that in the belief of the jurors Brandt was guilty of grand larceny and not of burglary in the first degree, was rejected by Judge Crain, who sent the Grand Jury back for further consideration.

During the interval between the two visits of the Grand Jury to General Sessions it was learned that the jurors by unanimous vote decided that no evidence of conspiracy had been found in the Brandt matter against Mortimer L. Schiff or Howard Gans, his counsel.

This matter was brought to a vote because of contradictory reports which have been circulated regarding the attitude of the members of the Grand Jury. The second presentation, prepared with the assistance of District-Attorney Whitman, and after the foreman of the Grand Jury had consulted at length with

the District-Attorney and Judge Crain, was not handed in until 4:30 o'clock. The other courts in the building had adjourned, and those who had been attending the various trials flocked to Judge Crain's part to listen to the verdict of the Brandt investigation.

The second report of the Grand Jury was satisfactory to the Court and was filed as a court record. This winds up the Brandt affair insofar as the Grand Jury of New York County is concerned.

Before discharging the Grand Jury Judge Crain vigorously called attention to the fact that certain newspapers have been printing what purported to be records of the proceedings in the Grand Jury room.

The Court said if he saw any grand juror or grand jury official had spread these reports to the public, he would have them arrested and would have them removed from the building. He said no newspaper had published a word of actual testimony taken before the grand jury.

JUDGE THREW OUT.
The first report of the Grand Jury was as follows:

"We, the February Grand Jury, desire to hand the following presentation to you:

"We have examined forty-one witnesses in the John Doe proceeding instituted before us and growing out of the so-called Brandt case. We have further examined a mass of documentary evidence, including court records, official correspondence, etc.

"We are forced to the conclusion that the evidence submitted to the Grand Jury of this County in March, 1907, together with the additional evidence submitted to us, fails to establish the crime of burglary in the first degree, but does establish to our minds beyond any question of doubt the presence of Brandt in the residence of Mr. M. L. Schiff for the purpose of committing grand larceny."

"The Grand Jury would also avail itself of this opportunity to acknowledge the courteous treatment ever accorded to it by the court. And the Grand Jury further desires to have recorded its appreciation of the energy, ability and fairness with which the Honorable District-Attorney has conducted this long and complicated investigation."

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